THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION No.8322 of 2007

DATED: 08.06.2007

Between:

Jyothi Chinnaiah S/o.J.Vengappa
Uravakonda, Anantapur District.

..... PETITIONER

AND

1.The District Collector/Chairman, D.S.W.R.E.I. Society, Anantapur, Anantapur District and others.

.....RESPONDENTS

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION No.8322 of 2007

ORDER:

This writ petition is filed seeking a Writ of Mandamus declaring the action of the first respondent in suspending the petitioner, vide proceedings dated 15.09.2006, as arbitrary and illegal and consequently declare that the petitioner is entitled to continue in service notwithstanding the pendency of the criminal case.

It is the case of the petitioner that he was appointed as an Attender in the respondents-institution in the year 1985, and on the date of suspension, he was working in APSWR (girls) School at Uravakonda in Anantapur District. While so, a case in Crime No.155 of 2005 for the offences punishable under Sections 324, 326, 307 read with 34 of the Indian Penal Code, 1860, was registered by the Kadiri Police against

the petitioner, and subsequently he was arrested on 09.02.2006, and was remanded to judicial custody on 10.02.2006, on production before the Judicial Magistrate of First Class, Kadiri. Later, he was enlarged on bail, pursuant to the order dated 27.02.2006, passed by the learned I Additional Sessions Judge, Anantapur. Thereafter, based on the report of the Sub-Inspector of Police, Kadiri, the first respondent issued the impugned order dated 15.09.2006, suspending the petitioner from the date of his detention i.e., 09.02.2006. Aggrieved thereby, this writ petition is filed.

Learned counsel for the petitioner contends that though the petitioner was suspended on 15.09.2006, the respondents have not completed the enquiry till now and not paid any subsistence allowance to the petitioner.

On the other hand, learned standing counsel appearing for the respondents contends that the respondents would complete the enquiry initiated against the petitioner and pass appropriate orders within a period of one month. The learned standing counsel also agreed to pay the subsistence allowance to petitioner, to which he is entitled.

In view of the submission of the learned standing counsel appearing for the respondents, the writ petition is disposed of with a direction to the respondents to complete the enquiry initiated against the petitioner and pass appropriate orders within a period of one month from the date of receipt of a copy of this order. The respondents are further directed to pay the subsistence allowance to the petitioner, to which he is entitled. There shall be no order as to costs.

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08.06.2007

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